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SCOT DAVIS; BRIAN FORD;
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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

SCOT DAVIS; BRIAN FORD;
JEREMY HARRIS,

Plaintiff's,

vs.

CITY OF BEAUMONT, a municipal
corporation; FRANK COE, individually
and as Chief of Police of the Beaumont
Police Department; and DOES 1
THROUGH 10 inclusive,

Defendants.

Case No. CV12-04990 ABC (SHx)

*Assigned for all purposes to:
Honorable Audrey B. Collins*

**PLAINTIFF'S SEPARATE
STATEMENT OF UNDISPUTED
FACTS**

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TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD HEREIN:

1 Plaintiffs, SCOT DAVIS, JEREMY HARRIS AND BRIAN FORD submit
 2 their Statement of Disputes Facts in Opposition to the City's Motion for Partial
 3 Summary Judgment as follows:

4 **SEPARATE STATEMENT OF UNDISPUTED FACTS**

<u>Moving Party's Uncontroverted</u>	<u>Opposing Party's Response and</u>
<u>Facts and Supporting Evidence:</u>	<u>Supporting Evidence:</u>
1. All Beaumont police officers below the rank of Sgt. are members of the Beaumont Police Officer's Association ("BPOA") [Ex. 1, Deposition of Davis, 9:18-20]	Undisputed.
2. Neither Davis, Harris or Ford were officers of the BPOA at the time of these incidents. [Ex.1, Deposition of Davis, 11:25-12:6]	Undisputed.
3. BPOA held a meeting in April 2011 wherein a discussion of "evaluating" Chief Coe occurred. [First Amended Complaint ("FAC"), para. 14-16]	Undisputed.
4. At the time of the meeting, plaintiff Davis' concerns included allegedly harsh discipline, "fear of management", etc. These concerns "existed at the time of the meeting"	Disputed. Davis had various concerns relating to Chief Coe including concerns about his decision making which necessarily concerned officer safety. Declaration of Scot Davis ¶3, 4

1	[Ex. 1, Deposition of Davis, 22:4 –	
2	24:2; 24:14-18]	
3	5. After the meeting, Davis	Undisputed.
4	provided information included in the	
5	letter as “Officer # 3.” [Ex. 1,	
6	Deposition of Davis, 15:8-18].	
7	6. The letter was submitted to the	Undisputed.
8	City on or about April 20, 2011 by	
9	then-BPOA president Chris Ramos.	
10	[Ex. 1, Depo of Davis, 20:18-23;	
11	FAC, para. 15.]	
12	7. Ramos, the BPOA president	Undisputed.
13	who signed and delivered the April	
14	2011 letter, was promoted from	
15	corporal to sergeant AFTER the	
16	letter was delivered. [Ex. 1, Davis	
17	deposition, 49:17 – 50:1]	
18	8. Davis was subpoenaed to court	Disputed. Davis had been subpoenaed to
19	and was contacted to comply with	court but had followed department policy
20	the subpoena on or about June 16,	regarding unavailability for the hearing due t
21	2011. He arrived late at court. [Ex.	FMLA leave. Because he was on FMLA
22	1, Deposition of Davis, 31:21 – 32:5]	Leave he should not have attended the
23		hearing.
24		Declaration of Scot Davis ¶10-14
25		
26		
27	9. Davis was first advised of an	Undisputed
28		

1 intent to discipline him on July 28,
2 2011 - three months after the POA
3 meeting and letter. [Ex. 1, Deposition
4 of Davis, 34: 1-8, docs. CITY
5 DAVIS 0010-15]

6 10. Following a Skelly meeting
7 with Chief Coe, Davis was advised
8 of a proposed discipline as follows:
9 discipline as follows: a 40-hour
10 suspension to be held in abeyance for
11 12 months and dismissed if there
12 were no sustained complaints of
13 misconduct of the same or similar
14 nature during that period, and that
15 although he would be removed from
16 your assignment as a corporal, he
17 would continue to receive pay as a
18 corporal during that 12-month period
19 [Ex. 1, Deposition of Davis, 34:14 –
20 36:8; docs. CITY DAVIS 0014-15]
21

Undisputed

22 11. Davis, as was his right, then
23 went to arbitration concerning his
24 discipline. The award of the
25 arbitrator was in his favor; as a
26 result, he was returned to his position
27 and assignment. [Ex. 1, Deposition
28

Undisputed.

1	of Davis, 37:8 – 38:8, doc. 19]	
2	12. Davis did not request any back	Undisputed
3	pay following the arbitration award.	
4	[Ex. 1, Deposition of Davis, 37:8 –	
5	38:8]	
6	13. Davis in fact did not request to	Disputed. Davis did not request to be put
7	return to his former detective	back in his Detective position because he did
8	assignment. He expressed a	not want to work under Commander Fagan
9	preference for a patrol corporal	as he feared if he did so he would be subject
10	assignment to a specific shift. That	to further retaliation.
11	request was honored. [Ex. 1,	See Declaration of Scot Davis ¶21
12	deposition of Davis, 38:23 – 39:22;	
13	docs CITY DAVIS 0020-21].	
14	14. Davis has requested a special	Undisputed
15	assignment since that date, and was	
16	granted the assignment but chose not	
17	to fill it. [Ex. 1, deposition of Davis,	
18	41:11 – 42:21]	
19	15. Ford was hired as and still is a	Undisputed
20	police officer; contrary to the	
21	allegations of the FAC (para. 12) he	
22	has never been promoted, never	
23	applied for promotion, and never	
24	applied for any special assignment	
25	[Ex. 2, Deposition of Ford, 9:16 –	
26	10:20]	
27		
28		

16. Ford did not contribute anything that was included in the letter to the City “evaluating” Chief Coe. [Ex. 2, Deposition of Ford, 13:19 – 14:1]	Undisputed
17. According to Ford, the concerns expressed as to why the review was to be done involved “past incidents” of discipline. [Ex. 2, Deposition of Ford, 12:22 – 13:2]	Disputed. Ford raised issues relating to the Chief’s job performance and decision making. See Declaration of Brian Ford ¶4
18. Contrary to the allegations of the FAC, Ford had in fact been disciplined prior to the April 2011 meeting in a written reprimand [Ex. 2, Deposition of Ford, 22:2 – 12], and for damage to a vehicle [Ex. 2, Deposition of Ford, 24:13 –24]	Undisputed
19. After the April 2011 meeting, Ford was first notified of an intent to discipline by a notice dated September 27, 2011. He had not been disciplined in the preceding four months [Ex. 2, Deposition of Ford, 24:25 – 25:16; 34:16-25; doc. CITY FORD 0032-37]	Undisputed
20. Following a Skelly meeting	Undisputed

1 with Chief Coe, Ford received a	
2 letter dated October 31, 2011	
3 proposing a settlement of his	
4 discipline grievance, under the terms	
5 of which his discipline would be	
6 reduced to 12 hours suspension, with	
7 the suspension held in abeyance for	
8 12 months. He was not actually	
9 suspended without pay, and never	
10 had to serve any suspension [Ex. 2,	
11 Deposition of Ford, 35:16-21; 38:3-	
12 5; 42:6-8; doc. CITY FORD 0038].	
14 21. The traffic stop at issue in a	Undisputed
15 part of Ford's discipline involved	
16 Ford having told a citizen that he	
17 could have his car towed for a	
18 registration violation. Ford ultimately	
19 learned that he could not, in fact, do	
20 so. [Ex. 2, Deposition of Ford, 42:20	
21 – 43:11]	
22 22. Ford and the City settled the	Undisputed
23 discipline matter by way of a written	
24 agreement. [Ex. 2, Deposition of	
25 Ford, 36:5 – 37:6; 37:12 – 17; doc.	
26 CITY FORD 0039-40#].	
27 23. Ford specifically agreed that	Disputed. Ford only agreed, as did the City,
28	

1	he was waiving any further appeal of	that the settlement would prevent Ford from
2	the disciplinary matter as part of the	any further administrative appeal of the
3	settlement agreement. [Ex. 2,	discipline.
4	Deposition of Ford, 39:23 – 40:5;	Declaration of Brian Ford ¶ 11
5	doc. CITY FORD 0040.	
6	24. Harris is a corporal with	Undisputed
7	Beaumont PD. [FAC, para. 13]	
8	25. However, at the present time,	Undisputed
9	Harris is serving as an “acting	
10	sergeant” while another sergeant is	
11	on leave, receiving sergeant’s pay.	
12	[Ex. 3, Deposition of Harris, 42:3 –	
13	24]	
14	26. BPOA held a meeting in April	Undisputed
15	2011 wherein a discussion of	
16	“evaluating” Chief Coe occurred.	
17	[Ex. 3, Deposition of Harris, 13:22 –	
18	14:1]	
19		
20		
21	27. After the meeting, Harris	Undisputed
22	provided information included in the	
23	letter as “Officer #7.” [Ex. 3,	
24	Deposition of Harris, 21:21 – 22:8].	
25		
26		
27		
28	28. The letter was sent to the City	Undisputed

1	on or about April 20, 2011. [FAC,	
2	para. 15].	
3	29. After the meeting and letter, in	Undisputed
4	about May 2011, Harris was assigned	
5	to a detective position. [Ex. 3,	
6	Deposition of Harris, 23:17 – 24:17]	
7	30. Harris received a memo dated	Undisputed
8	June 20 from the Department issued	
9	to all City Hall and Police	
10	Department employees directing all	
11	City Hall and Police Department	
12	employees to ensure that their	
13	vehicles were in compliance with	
14	Vehicle Code window tint	
15	requirements. [Ex. 3, Deposition of	
16	Harris, 26:20 – 28:9; doc CITY	
17	HARRIS 005-06.]	
18		
19		
20	31. The memo required that all	Undisputed.
21	employees bring their vehicles into	
22	compliance by June 30, 2011 [Ex. 3,	
23	Deposition of Harris, 26:20 – 28:9;	
24	doc CITY HARRIS 005-06.]	
25		
26		
27	32. Following receipt of the	Disputed. Harris was dropped off at the
28		

1 memo, on July 5, 2011, Harris was	station by his wife in a vehicle which she
2 picked up at the Department by his	was the primary driver of that had window
3 wife, driving a vehicle of which he	tint.
4 was a registered owner, which had an	Declaration of Jeremy Harris ¶7-8
5 illegal tint. [Ex. 3, Deposition of	
6 Harris, 28:21 -29:10 doc. CITY	
7 HARRIS 0001]	
8	
9 33. At the time Harris understood	Disputed. Harris believed that he had
10 that his vehicle was subject to the	complied with the memorandum as he has
11 Chief's memo; he had been required	removed the window tint from his vehicle.
12 to remove tint from other vehicles in	He did not believe at the time that he needed
13 the past; and he did NOT think that	to remove the window tint from his wife's
14 the vehicle code provisions	vehicle in order to comply with the orders in
15 concerning tint did not apply to the	the memo.
16 truck [Ex. 3, Deposition of Harris,	Declaration of Jeremy Harris ¶8
17 29:17-19; 30:15-25; 32:6-11]	
18 34. Davis was first advised of an	Disputed. Davis was not first advised of an
19 intent to discipline him on July 25,	intent to discipline him on July 25, 2011.
20 2011. [Ex. 3, Deposition of Harris,	
21 32:16 – 33:5, docs CITY HARRIS	
22 007-010].	
23	
24	
25	
26	
27	
28 35. The discipline was based on his	Disputed. The discipline was based on

1 failure to comply with the June 20	Harris' failure to remove the window tint
2 memo. [Ex. 3, Deposition of Harris,	from his wife's vehicle.
3 32:16 – 33:5, docs CITY HARRIS	Declaration of Jeremy Harris ¶9
4 007-010].	
5 36. Following a Skelly meeting	Undisputed
6 with Chief Coe, he was advised of a	
7 proposed discipline for failure to	
8 adhere to a department directive,	
9 including a reduction in rank, but not	
10 in pay, for a 6-12 month period [Ex.	
11 3, Deposition of Harris, 33: 9 – 35:14	
12 docs CITY HARRIS 0025-26]	
13	
14 37. Harris appealed the discipline,	Undisputed
15 and then negotiated a settlement of	
16 the discipline matter. The settlement	
17 required a 40 hour suspension	
18 without pay. As a result of the	
19 settlement, he was returned to his	
20 corporal rank and assignment as of	
21 February 2, 2012. [Ex. 3 Deposition	
22 of Harris, 36:6 – 37:18; doc. CITY	
23 HARRIS 0027-28]	
24	
25	
26	
27	
28 38. As part of the settlement of the	Disputed. Harris only agreed not to appeal

1 2 3 4 5 6 7 8 9	discipline matter, Harris agreed that this settlement was a “Final disposition and resolution, plaintiff agrees no further appeal”; this was “a final resolution of [Harris’] appeal of the disciplinary process” [Ex. 3, Deposition of Harris, 37:19 – 24; doc. CITY HARRIS 28]	his discipline further through the administrative process. He in no way waived his right to bring a civil claim. Declaration of Jeremy Harris ¶ 10
10 11 12 13 14 15 16 17 18 19	39. In each instance wherein one of the plaintiffs was disciplined, Chief Coe recommended a lesser degree of discipline than was initially proposed. The disciplinary actions were believed necessary to maintain the integrity of the department, promote good conduct, and to correct perceived errors in judgment. [Coe Declaration, at paras. 3 and 4].	Disputed. The discipline was in retaliation for the Plaintiff’s involvement in the April 2011 BPOA meeting and subsequent participation in preparing written evaluations of the chief which were forwarded to the City Manager. Declaration of Scot Davis. ¶ 6, 7, 8, 17, 22 Declaration of Brian Ford ¶ 9, 12 Declaration of Jeremy Harris ¶ 11, 12, 13
20 21 22 23 24 25 26 27 28	40. Chief Coe did not retaliate against any plaintiff; in fact, he promoted Harris to detective, and then to acting sergeant, after the April 2011 meeting and letter; he approved Davis’ post-Arbitration choice of assignment and shift; he promoted the BPOA president, Chris	Disputed. The discipline was in retaliation for the Plaintiff’s involvement in the April 2011 BPOA meeting and subsequent participation in preparing written evaluations of the chief which were forwarded to the City Manager. Declaration of Scot Davis. ¶ 6, 7, 8, 17, 22

1	Ramos, from corporal to sergeant	Declaration of Brian Ford ¶ 9, 12
2	after the April 2011 POA meeting	Declaration of Jeremy Harris ¶11, 12, 13
3	and letter. [Coe Declaration, at paras.	
4	3 and 4].	
5	41. Since the April 2011	Undisputed
6	meeting/letter, the department	
7	created two additional Sergeant	
8	positions and tested in-house.	
9	Neither Davis nor Ford competed,	
10	but two POA members were	
11	promoted from that process; and	
12	Harris, who did not promote in that	
13	process, has been appointed to an	
14	Acting Sergeant position.	
15		
16	42. The City of Beaumont's	Disputed. All the Plaintiffs went through the
17	grievance process for discipline	grievance process. Harris and Ford resolved
18	matters calls for the aggrieved	their discipline prior to arbitration.
19	employee to first participate in	Declaration of Brian Ford ¶9-11
20	mediation; then binding arbitration if	Declaration of Jeremy Harris ¶10
21	mediation does not resolve the	
22	dispute. Only Cpl. Davis actually	
23	carried through the process to its	
24	conclusion. [Coe Declaration, at	
25	para. 5].	
26		
27	<u>PLAINTIFF'S STATEMENT OF</u>	
28		

UNDISPUTED FACTS AND
SUPPORTING EVIDENCE

43. Scot Davis is currently a police officer with the Beaumont Police Department, holding the rank of Corporal. He began his law enforcement career with the San Bernardino County Sheriff's Department in January 1997. He was hired by the Beaumont Police Department in October, 2007.

Declaration of Scot Davis ¶1

44. When Davis began his employment with the city of Beaumont he became a member of the Beaumont Police Officers Association. He currently hold the position of President with the BPOA. Since that time he has been very active within the BPOA, even at times when he has not held a board position.

Declaration of Scot Davis ¶2

45. In or about April 2011 Davis

1 attended a Beaumont Police Officer
2 Association Board Meeting in which
3 issues were discussed relating to the
4 Chief of Police. During the meeting
5 Davis raised the fact that he believed
6 that due to the actions of the Chief
7 and the uncertainty in the
8 Department that there should be a
9 vote of no confidence relating to the
10 Chief of Police. Ultimately the
11 Association decided to do a written
12 evaluation of the Chief.

13 Declaration of Scot Davis ¶3
14
15

16 46. During the April 2011
17 Association meeting the specific
18 issues Davis raised were the inability
19 of the Chief to promote qualified
20 officers to the position of sergeant
21 because he believed that raised a
22 safety issues for all officers and the
23 Chief's excessive disciplinary action
24 against officers/employees of the
25 department. In addition, the lack of
26 leadership of the Chief of Police and
27 constant policy changes within the
28

1 Department.

2 Declaration of Scot Davis ¶4

3
4
5 47. The day following the
6 Association meeting Davis arrived at
7 work at 6:00 am. Immediately after
8 his arrival Chief Frank Coe arrived at
9 the station. Davis found this unusual
10 as Coe never arrived that early. Chief
11 Coe called Davis into his office. He
12 then proceeded to talk to Davis about
13 issues that had been discussed in the
14 Association meeting the night before.

15 Declaration of Scot Davis ¶5

16
17
18
19 48. During the conversation in the
20 Chief's office, which lasted
21 approximately three hours, Coe
22 stated that Davis would never be
23 promoted at the department. He then
24 stated that he did not care about the
25 evaluations and for all he cared the
26 Association could put them in the
27 newspaper. When he stated that he
28 did not care, both his body language

1 and the manner in which he was
2 speaking, made it clear that he was
3 upset about the fact that the
4 Association was doing the
5 evaluations.

6 Declaration of Scot Davis ¶6
7
8

9 49. During the Conversation with
10 Chief Coe in the Chief's office he
11 also stated that Davis would never be
12 a sergeant at the department as long
13 as he was the chief and compared
14 Davis to a meat cutter, telling a story
15 that the city manager tells. Coe also
16 advised Davis it's not good that
17 Davis challenged him, that he is the
18 chief and not Davis.

19 Declaration of Scot Davis ¶7
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21
22

23 50. Later that same day, Davis was
24 called into Commander Beard's
25 office to discuss the Association
26 meeting from the night before. This
27 conversation lasted approximately
28 one hour. During this conversation

1 Commander Beard stated that David
2 would never be promoted at this
3 department and called him a
4 “Rogue” employee, stating that he
5 was responsible for the bad morale at
6 the department. One of the reasons
7 Beard believed Davis would not get
8 promoted to sergeant was that he
9 would be too protective of the
10 officers and promoting me would be
11 awarding bad behavior.

12 Declaration of Scot Davis ¶8
13
14

15 51. After the Association meeting
16 in or about April 2013 it became
17 clear that management, particularly
18 Chief Coe, were unhappy with the
19 statements that Davis had made at
20 the Association meeting as well as
21 the statements he had written in the
22 evaluation of the Chief which was
23 compiled in a letter and sent to the
24 City Manager.

25 Declaration of Scot Davis ¶9
26
27
28

52. On or about June 6, 2011
Davis was subpoenaed to appear as a
witness in a preliminary hearing on
or about June 17, 2011.

Declaration of Scot Davis ¶10

53. On or about June 13, 2011
Davis consulted with Sandra
Younger, the subpoena clerk
regarding the proper steps to alert the
District Attorney that he would not
be able to testify at the preliminary
hearing on that date because he
would be on FMLA leave due to the
birth of his child. Davis completed,
with the assistance of Ms. Younger,
the necessary 1050 form. This was
and still is the normal practice
followed by the department when an
officer is unable to make a court
appearance. Davis' understanding
was that he had completed any and
all obligations he had related to the
subpoena.

Declaration of Scot Davis ¶11

54. On June 12, 2011 Davis' Daughter was born. His wife had a difficult time during delivery and needed more assistance than normal with their new baby since she was to be in bed and off her feet for the first week or more.

Declaration of Scot Davis ¶12

55. On or about June 17, 2011 at approximately 8:35 am, Davis received a call from Sergeant Mark Keyser ordering him to appear at a preliminary hearing that was taking place at the Southwest Superior Court in Murrieta. At this time Davis was on approved FMLA leave.

Declaration of Scot Davis ¶13

56. Although Davis was on FMLA leave and was of the understanding that he should not be required to attend the hearing, he nonetheless complied with Sergeant Keyser's orders and appeared at the hearing as

1 soon as practicable which was
 2 approximately 10:20 am. He sat in
 3 the court room until approximately
 4 4:30 when he was released, without
 5 ever testifying. When Davis
 6 informed the Judge and the Defense
 7 attorney that he was actually on
 8 FMLA leave they both stated that he
 9 should not be there and continued the
 10 hearing until Davis returned from his
 11 leave.

12 Declaration of Scot Davis ¶14
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 14

15 57. On or about July 13, 2011,
 16 Davis was given notice by
 17 Defendants that he was being
 18 demoted from corporal to officer,
 19 removed from my assignment in the
 20 detective bureau, and suspended for
 21 40 hours for allegedly being late to
 22 court while on FMLA leave. Shortly
 23 thereafter, Defendants removed
 24 Davis from the detective bureau and
 25 stripped him of his Corporal stripes.
 26 The 40 hour suspension was imposed
 27 as a suspended sentence.
 28

1 Declaration of Scot Davis ¶15
2
3

4 58. Based on information and
 5 belief, no other officer in the
 6 Beaumont Police Department has
 7 been disciplined for being late to
 8 court. In actuality, Davis has
 9 personal knowledge of many officers
 10 who have missed court completely,
 11 and on a fairly routine basis have
 12 only received discipline in the
 13 manner of a written reprimand, and
 14 that was after multiple offenses for
 15 which there was no viable or valid
 16 excuse. Commanders of the
 17 department have missed court
 18 without excuse and not been subject
 19 to any discipline.

20 Declaration of Scot Davis ¶16
21
22

23 59. It appears that the reason for
 24 the harsh discipline was a direct
 25 result of his statements made in the
 26 April 2011 BPOA meeting and his
 27 subsequent evaluation of Chief Coe
 28

1 that was included in the letter to the
2 City Manager.

3 Declaration of Scot Davis ¶17
4

5 60. On or about August 25, 2011,
6 Davis underwent surgery to repair a
7 torn rotator cuff and ligament in his
8 right shoulder.

9 Declaration of Scot Davis ¶18
10
11

12 61. On or about October 24, 2011,
13 Davis returned to work on light duty
14 status. He was assigned to the
15 records department, performing
16 duties normally assigned to civilian
17 employees. This assignment was in
18 direct contravention of Lieutenant
19 Schuler's written directive, dated
20 September 7, 2010, which states that
21 "Police officers on light duty will not
22 be assigned to civilian type duties."
23 Based on information and belief,
24 other sworn Beaumont personnel
25 have not been assigned civilian
26 duties while on light duty.
27 Furthermore, while on light duty,
28

1 Davis requested that he be allowed to
2 remove his necktie, as it aggravated
3 my injury. His reasonable request
4 was denied without explanation or
5 justification.

6 Declaration of Scot Davis ¶19
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8
9

10 62. Davis filed an administrative
11 appeal, challenging the discipline
12 imposed against him by Defendants.
13 In February 2012, the discipline
14 imposed against him was rescinded
15 by a neutral arbitrator who found that
16 the City "failed to meet its burden of
17 proving each and every charge"
18 against him.

19 Declaration of Scot Davis ¶20
20
21

22 63. Davis did not choose to return
23 to his assignment in the detective
24 bureau because he would once again
25 have to work under the supervision
26 of Commander Fagan and feared
27 additional retaliation.
28

1 Declaration of Scot Davis ¶21

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3
4 64. Since April 2011, those
5 individuals who participated in
6 completing an unfavorable
7 evaluation of Chief Coe have been
8 subject to extremely harsh discipline
9 and/or terminated.

10 Declaration of Scot Davis ¶22

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12
13
14 65. Brian Ford is a police officer
15 with the Beaumont Police
16 Department. He began his law
17 enforcement career with the
18 Beaumont Police Department and
19 was hired on March 27, 2008.

20 Declaration of Brian Ford ¶1

21
22 66. When Ford began his
23 employment with the city of
24 Beaumont he became a member of
25 the Beaumont Police Officers
26 Association. Since that time he has
27 been active within the BPOA, even
28 though he has not held a board
position.

1	Declaration of Brian Ford ¶2	
2		
3	67. In or about April 2011 Ford	
4	attended a Beaumont Police Officer	
5	Association Board Meeting in which	
6	issues were discussed relating to the	
7	Chief of Police. During the meeting	
8	the Association decided to do a	
9	written evaluation of the Chief.	
10	Declaration of Brian Ford ¶3	
11		
12		
13	68. During the April 2011	
14	Association meeting the specific	
15	issues Ford raised were with regards	
16	to the Chief's job performance and	
17	decision making. He encouraged that	
18	the members of the BPOA to write	
19	the evaluation of the Chief. Other	
20	members discussed recent disciplines	
21	which Ford was never a subject of.	
22	Declaration of Brian Ford ¶4	
23		
24		
25		
26	69. On or about August 15, 2011,	
27	Ford conducted a traffic stop of a	
28		

1 citizen. The citizen later drove to the
2 police station to lodge a personnel
3 complaint against him for his
4 handling of the traffic stop. A police
5 sergeant met with the citizen to
6 handle the complaint and later
7 requested that Ford speak to the
8 citizen. The sergeant then allowed
9 the citizen to confront him about the
10 incident knowing that the citizen
11 wanted to file a formal complaint.

12 Declaration of Brian Ford ¶5
13
14
15

16 70. The sergeant who met with the
17 citizen to handle the complaint
18 mishandled the investigation and
19 violated several of Ford's rights
20 under the Public Safety Officers
21 Procedural Bill of Rights Act
22 (POBR).

23 Declaration of Brian Ford ¶6
24
25
26

27 71. During the investigation, it
28

1 was alleged that Ford was
 2 discourteous, tampered with the in-
 3 car video system, made disparaging
 4 remarks about the sergeant regarding
 5 the sergeant's violation of the Public
 6 Safety Officers Procedural Bill of
 7 Rights Act in connection of the
 8 complaint against him, and was
 9 discourtesy to a police corporal.

10 Declaration of Brian Ford ¶7
 11
 12
 13

14 72. On or about September 30,
 15 2011, Ford was given notice by
 16 Defendants that he was being
 17 suspended for 30 days as a result of
 18 the discourtesy allegations.
 19 Defendants subsequently imposed
 20 discipline against him.

21 Declaration of Brian Ford ¶8
 22
 23
 24

25 73. On or about October 25, 2011,
 26 prior to the imposition of the
 27 discipline, Ford attended a *Skelly*
 28

1 hearing with Chief Coe. During that
 2 meeting, Coe said Ford's discipline
 3 was so severe due to the fact that
 4 others that had been challenging his
 5 authority, or similar verbiage. Chief
 6 Coe said that his decision to reduce
 7 Ford's discipline was influenced by
 8 his improved "attitude" around the
 9 Department.

10 Declaration of Brian Ford ¶9
 11
 12
 13

14 74. Ultimately all of the parties
 15 agreed to settle Ford's discipline
 16 whereby any discipline would be
 17 held in abeyance for one year and
 18 only imposed if he had any similar
 19 disciplinary issues arise in that one
 20 year time.

21 Declaration of Brian Ford ¶10
 22
 23
 24

25 75. As part of the settlement, Ford
 26 along with the City agreed not to
 27 pursue any additional administrative
 28 appeal of his discipline. Ford did not

1 in any way agree that as a result of
2 the settlement he was waiving my
3 right to pursue any type of civil
4 litigation.

5 Declaration of Brian Ford ¶11
6
7

8 76. No other officer in the
9 Beaumont Police Department has
10 ever been disciplined so harshly for
11 such minor allegations of discourtesy
12 and mishandling of traffic stop. The
13 internal investigation was filled with
14 “false information” and completed in
15 a biased manner. The actions taken
16 by Defendants against Ford were
17 based on my statements made in the
18 April 2011 BPOA meeting.

19 Declaration of Brian Ford ¶12
20
21
22

23 77. Jeremy Harris is currently a
24 police officer with the Beaumont
25 Police Department, holding the rank
26 of Corporal. He is currently serving
27 as an acting sergeant. He began his
28

1 law enforcement career with the Los
2 Angeles Sheriff's Department 2002.
3 He was hired by the Beaumont
4 Police Department in January 2009.
5 He has never been subjected to any
6 formal discipline either while
7 employed for the Beaumont Police
8 Department or my prior department

9 Declaration of Jeremy Harris ¶1
10

11 78. Harris became a member of
12 the Beaumont Police Officers
13 Association when he began his
14 employment with the City of
15 Beaumont. Since that time he has
16 been very active within the BPOA,
17 even though he has not held a board
18 position. .

19 Declaration of Jeremy Harris ¶2
20

21 79. In or about April 2011 Harris
22 attended a Beaumont Police Officer
23 Association Board Meeting in which
24 issues were discussed relating to the
25 Chief of Police. During the meeting
26 the Association decided to do a
27 written evaluation of the Chief.
28 Harris was active in advocating for

1 the association to do an evaluation of
2 the Chief. .

3 Declaration of Jeremy Harris ¶3
4
5

6 80. During the April 2011
7 Association meeting the specific
8 issues Harris raised were related to
9 the constant change within the
10 department and the lack of
11 leadership. .

12 Declaration of Jeremy Harris ¶4
13
14

15 81. In or about April 2011, Harris
16 prepared a written evaluation of
17
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Chief Coe which was part of a letter
that was sent to the City Manager.

Declaration of Jeremy Harris ¶5

82. In or about May 2011 Harris
was given the special assignment of
Detective. This position is not a
promotion.

Declaration of Jeremy Harris ¶6

83. On or about July 5, 2011,
Harris' wife dropped me off at the
police station, at which time it was
observed that she had window tint on
her front passenger windows of her
vehicle, a minor infraction under the
California Vehicle Code.

Declaration of Jeremy Harris ¶7

84. Harris had previously received
a memorandum regarding ensuring
that Officers vehicle comply with the
Vehicle Code, including ensuring
that vehicles only had legal window
tint and front license plates. Harris
believed that he complied with the
directive when he removed window
tint from the vehicle that he drove.

At the time he did not believe that he needed to remove the widow tint from his wife's vehicle because while he was also a registered owner of that vehicle, his wife was the primary driver of the vehicle.

Declaration of Jeremy Harris ¶8

85. On or about July 13, 2011, Harris was given notice by Defendants that he was being demoted from corporal to officer, removed from his assignment in the detective bureau, and suspended for 40 hours for failing to remove the window tint on his wife's vehicle. The discipline was subsequently imposed. However, the suspension was reduced from 40 hours to 36 hours.

Declaration of Jeremy Harris ¶9

86. Harris' discipline was reduced as part of a settlement agreement between him and the City. Part of the settlement agreement prevented him from further administrative

1 appeal of my discipline. Nothing in
2 the settlement agreement prevented
3 him from pursuing civil remedies
4 related to my discipline. .

5 Declaration of Jeremy Harris ¶10

6 87. No other officer in the
7 Beaumont Police Department has
8 ever been disciplined so harshly for
9 failing to correct such a minor
10 equipment violation on their spouses'
11 vehicle. In fact, Harris observed the
12 vehicles of other officers which were
13 parked at the station that were out of
14 compliance with the vehicle code
15 after the date that he was noticed for
16 discipline.

17 Declaration of Jeremy Harris ¶11

18 88. Prior to the April 2011 BPOA
19 meeting officers were not subjected
20 to such extreme levels of discipline
21 for minor infractions. In fact prior to
22 the meeting Harris was disciplined
23 for an off duty incident through
24 "alternative" discipline. This
25 required him to go to each roll call
26 room at the beginning of the shifts
27 and tell them what he had done
28

wrong. This “alternative” discipline only was used for him and one other officer.

Declaration of Jeremy Harris ¶12

89. The actions taken by Defendants against Harris were in retaliation for his activities related to the April 2011 meeting and subsequent evaluation of the Chief. .

Declaration of Jeremy Harris ¶13

Dated: November 4, 2013

Respectfully submitted,
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/s/ Brandi L. Harper

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